

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed June 23, 2005. Claims 13-19 and 21 were rejected.

Claims 13-19 and 21 are pending in the application. Claims 13-19 and 21 remain in the application. No claims have been amended. No claims have been added.

Claim Rejections - 35 U.S.C. § 102

Independent claims 13 and 21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gobburu (US 6,736,322).

Applicant Allen K. Yu notes that according to the provisions set forth in the Manual of Patent Examining Procedure § 706.02(f), that the earliest effective date for Gobburu as a prior art reference under 35 U.S.C. § 102(e) is November 20, 2000. Applicant submits that the present invention was conceived prior to November 20, 2000. A declaration from the Applicant to this effect under 37 C.F.R. § 1.131 setting forth the facts concerning conception are appended hereto as Exhibit 1. Further, a redacted copy of the invention disclosure is appended herewith as Exhibit 2, showing conception of the present invention prior to the date of the asserted reference.

Exhibit 3, attached herewith, shows a redacted copy of a Request for Quote from Hewlett Packard to Thorpe North and Western, signed by May 12, 2001, for preparation of the above captioned application. A declaration from Steve Perry, a registered patent attorney at Thorpe North and Western, setting forth the facts relevant to his diligence in preparation of the above-captioned application is appended hereto as Exhibit 4.

A declaration from John Moran, a registered patent attorney at Hewlett Packard, setting forth the facts relevant to his diligence in contracting a law firm for the preparation of the above-captioned application is appended hereto as Exhibit 5.

Finally, Exhibit 6, attached herewith, shows a letter asking the law firm of Thorpe North and Western to provide the Request for Quote document of Exhibit 3 for the preparation of the above-captioned patent application. It should be noted that Hewlett Packard typically files over 3,000 patent applications per year. The large number of applications filed by Hewlett Packard

places a heavy burden on the HP employees responsible for contracting with outside counsel to draft the applications. The passage of time between the inventor's submittal of the invention disclosure of Exhibit 2 to HP and the letter transmitted to Thorpe North and Western was due to work performed on a reasonable backlog of unrelated cases which were taken up in chronological order, with the work carried out expeditiously. The letter of Exhibit 6 shows that Hewlett Packard was diligent in obtaining outside counsel to draft the above-captioned application.

Thus, Exhibits 1-6 show that the embodiments of the present invention were conceived prior to the date of the asserted reference, and that the attorneys at Hewlett Packard and Thorpe North and Western were reasonably diligent in preparing and filing the above-captioned patent application.

Consequently, Applicants respectfully submit that the asserted Gobburu reference does not qualify as prior art under 35 U.S.C. § 102(e), and respectfully requests that the rejection be withdrawn. Therefore, Applicant respectfully submits that claims 13 and 21 are allowable, and urges the Examiner to withdraw the rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 14-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gobburu in view of Freeman et al. (US 6,068,183) (hereinafter "Freeman").

As previously noted, the Gobburu reference does not qualify as prior art under 35 U.S.C. § 102(e). Therefore, the 35 U.S.C. §103(a) rejection is considered moot.

CONCLUSION

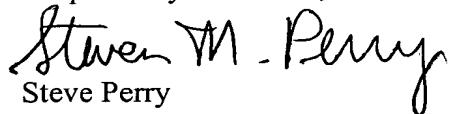
In light of the above, Applicant respectfully submits that pending claims 13-19 and 21 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Steve Perry at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

No claims were added. Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

DATED this 23rd day of August, 2005.

Respectfully submitted,



Steve Perry

Registration No. 45,357

THORPE NORTH & WESTERN, LLP

Customer No. 20,551

P.O. Box 1219

Sandy, Utah 84091-1219

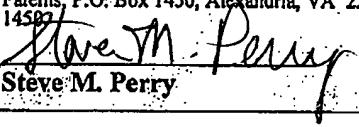
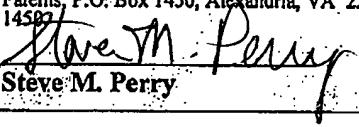
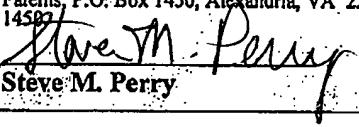
Telephone: (801) 566-6633

Exhibit 1 Declaration of Applicant



PATENT APPLICATION
ATTORNEY DOCKET NO. 10011167-1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ART UNIT: 2876 EXAMINER: Jamara A. Franklin APPLICANT: Allen K. Yu SERIAL NO.: 09/975,623 FILED: October 10, 2001 CONFIRM. NO.: 8371 FOR: ELECTRONIC TICKETING SYSTEM AND METHOD DOCKET NO. 10011167-1	RESPONSE/AMENDMENT <table border="1"><tr><td colspan="2">CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.18</td></tr><tr><td colspan="2">DATE OF DEPOSIT: <u>8/23/05</u></td></tr><tr><td colspan="2">I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313- <u>1450</u></td></tr><tr><td colspan="2"> Steve M. Perry</td></tr></table>	CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.18		DATE OF DEPOSIT: <u>8/23/05</u>		I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313- <u>1450</u>		 Steve M. Perry	
CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.18									
DATE OF DEPOSIT: <u>8/23/05</u>									
I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313- <u>1450</u>									
 Steve M. Perry									

DECLARATION OF ALLEN K. YU
UNDER 37 C.F.R. § 1.131

Assistant Commissioner of Patent and Trademarks
Washington, D.C. 20231

I, Allen K. Yu, declare as follows:

1. I am a named inventor in the above-captioned patent application and of the subject matter described and claimed therein.
2. The invention as described and claimed in the above-captioned US patent application No. 09/975,623 was conceived in the United States by myself, prior to November 20, 2000, the earliest effective date of the Gobburu '322 Patent.
3. Exhibit 2, attached hereto, is a redacted copy of the invention disclosure for the

invention described and claimed in the above-captioned patent application that was prepared and signed by myself prior to November 20, 2000. Accordingly, Exhibit 2 shows that the invention described and claimed in the above-captioned patent application was conceived prior to the earliest effective date of November 20, 2000 of the Gobburu '322 Patent.

4. The invention disclosure of Exhibit 2 was submitted to Hewlett Packard for the preparation and filing of the above-captioned patent application prior to November 20, 2000.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

DATED this 28th day of August, 2005.

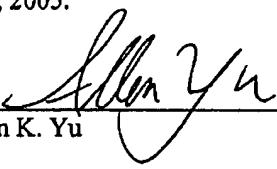

Allen K. Yu

Exhibit 2 Invention Disclosure

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INVENTION DISCLOSURE

PDNO 10011167

DATE RCVD

PAGE ONE OF 4

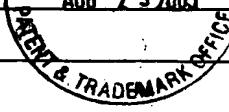
ATTORNEY TEP/1SSO

Instructions: The information contained in this document is COMPANY CONFIDENTIAL and may not be disclosed to others without prior authorization. Submit this disclosure to the HP Legal Department as soon as possible. No patent protection is possible until a patent application is authorized, prepared, and submitted to the Government.

Descriptive Title of Invention:

J - Ticket

AUG 25 2005



Name of Project:

None

Product Name or Number:

None

Was a description of the invention published, or are you planning to publish? If so, the date(s) and publication(s):

No

Was a product including the invention announced, offered for sale, sold, or is such activity proposed? If so, the date(s) and location(s):

No

Was the invention disclosed to anyone outside of HP, or will such disclosure occur? If so, the date(s) and name(s):

No

If any of the above situations will occur within 3 months, call your IP attorney or the Legal Department now at 1-898-4919 or 970-898-4919.

Was the invention described in a lab book or other record? If so, please identify (lab book #, etc.)

No

Was the invention built or tested? If so, the date:

No

Was this invention made under a government contract? If so, the agency and contract number:

No

Description of Invention: Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).

- A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.)
- B. Advantages of the invention over what has been done before.
- C. Problems solved by the invention.
- D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.).

Signature of Inventor(s): Pursuant to my (our) employment agreement, I (we) submit this disclosure on this date: [

543955 Allen Yu

Allen Yu

691-3362 MS 37MA

5000-T040

Telnet

Mailstop

Entity & Lab Name

Employee No. Name

Signature

Telnet

Mailstop

Entity & Lab Name

Employee No. Name

Signature

Telnet

Mailstop

Entity & Lab Name

Employee No. Name

Signature

Telnet

Mailstop

Entity & Lab Name

(If more than four inventors, include additional information on another copy of this form and attach to this document.)

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INVENTION DISCLOSURE		COMPANY CONFIDENTIAL	PAGE <u> </u> OF <u> </u>
Signature of Witness(es): (Please try to obtain the signature of the person(s) to whom invention was first disclosed.) The invention was first explained to, and understood by, me (us) on this date: []			
Full Name	Signature		Date of Signature
Full Name	Signature		Date of Signature
Inventor & Home Address Information: (If more than four inventors, include add'l. information on a copy of this form & attach to this document)			
Inventor's Full Name			
<i>Allen K Yu</i>			
Street			
<i>935 Azure St. #7</i>		State	Zip
City	<i>Sunnyvale</i>	<i>CA</i>	<i>94087</i>
Do you have a Residential P.O. Address? P.O. BOX	City	State	Zip
Greeted as (nickname, middle name, etc.) Citizenship			
Inventor's Full Name			
Street			
City State Zip			
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Inventor's Full Name			
Street			
City State Zip			
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Greeted as (nickname, middle name, etc.) Citizenship			

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Description of Invention: Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).

A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.)

If HP is ~~not~~ promoting the use of its pointers for services such as e-tickets, why not promote its Tornada & other hand-held computers for the same purpose - i.e. displaying a barcode which can be

B. Advantages of the invention over what has been done before.

Scanned as confirmation for an e-ticket.

paperless

C. Problems solved by the invention.

none - this is a convenience service.

D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.).

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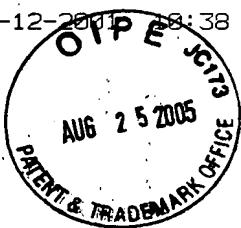
Exhibit 3 RFQ from Hewlett Packard to Thorpe North and Western

MAY-12-2001 08:38

Hewlett Packard LGL FCOLL

970 898 7247

P.03



Request for Quote and Engagement Letter Agreement

RE: Hewlett-Packard Docket No. 10011167-1

T 9780

USSN:

COPY

This is a request for a quote for the following services:
 This is a confirmation of your quote for the following services:

PREPARE

Application File with USPTO
 Response Return to HP for filing
 Other

YOUR FINISHED PRODUCT TO HP SHOULD INCLUDE ALL ITEMS ON THE ENCLOSED CHECKLIST.

HP REQUIRED DATES:

Date for Receipt by HP
before 7/19/01 Date to be Filed in PTO

HP Attorneys of Record: (to be included on the Declaration)

Customer Number **022879**

HP Primary Technical Contact: **ALL INVENTORS**

Telephone No.:

FAX No.:

HP Entity: **ISSO**

Address: **100 Mayfield Avenue
Mountain View, CA 94043**

DOCKETED

Description	Due Date	Initials
file app. with US PTO	7-19-01	JL

ADDITIONAL TERMS OR INSTRUCTIONS:

PLEASE SEE SUPPLEMENTAL PROCEDURES FOR NEW CASES

7-19-01

INITIAL

TOTAL PRICE: 8500 (including Formal drawings)

I agree to the terms of this Agreement including the additional terms above, pursuant to the HP Procedures for Outside Counsel revised OCTOBER 15, 1999 a copy of which I have received and reviewed. This Agreement will not be binding on either party until signed by an authorized representative of HP.

THORPE, NORTH & WESTERN, LLP

By: Vaughn W. North
Vaughn W. North

Dated: _____

HEWLETT-PACKARD COMPANY

By: T. Grant Ritz
T. Grant Ritz

Dated: 5-10-01

Exhibit 4 Declaration of Steve Perry



PATENT APPLICATION
ATTORNEY DOCKET NO. 10011167-1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

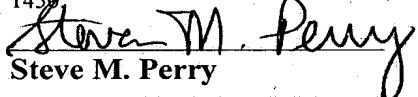
ART UNIT: 2876
EXAMINER: Jamara A. Franklin
APPLICANT: Allen K. Yu
SERIAL NO.: 09/975,623
FILED: October 10, 2001
CONFIRM. NO.: 8371
FOR: ELECTRONIC TICKETING SYSTEM AND
METHOD
DOCKET NO. 10011167-1

RESPONSE/AMENDMENT

**CERTIFICATE OF MAILING
UNDER 37 C.F.R. § 1.8**

DATE OF DEPOSIT: 8/23/05

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Steve M. Perry

DECLARATION OF STEVE M. PERRY
UNDER 37 C.F.R. § 1.131

Assistant Commissioner of Patent and Trademarks
Washington, D.C. 20231

I, Steve Perry, declare as follows:

1. I am a registered patent attorney with the law firm of Thorpe North and Western.
2. Hewlett Packard contracted with the law firm of Thorpe North and Western for the preparation and filing of the above-captioned patent application on May 12, 2001.
3. Exhibit 3, attached hereto, is a redacted copy of a Request for Quote document signed by Vaughn North of Thorpe North and Western and Hewlett Packard by May 12, 2001.

4. I worked diligently with other attorneys at Thorpe North and Western, attorneys at Hewlett Packard, and the named inventor to prepare and file the above-captioned patent application from May 12, 2001 until the filing date of October 10, 2001.

5. Preparation of the above-captioned patent application coincided with work performed on a reasonable backlog of unrelated cases which were taken up in chronological order, with the work carried out expeditiously.

6. Attorney-client communications between Thorpe North and Western and attorneys and the inventor at Hewlett Packard occurred between May 12, 2001 and October 10, 2001. Each communication was accompanied by attorney preparations before and/or after these dates. This disclosure is made without waving attorney-client privilege. Communications occurred on, but were not limited to, the following dates:

- A communication between Allen K. Yu, inventor, and Steve Perry on August 28, 2001 concerning a review by the inventor of a first draft of the patent application.
- A communication between Allen K. Yu and Steve Perry on September 11, 2001 pursuant to the review changes made in the application.

7. The patent application for the invention in the above-captioned patent application was filed with the United States Patent and Trademark Office on October 10, 2001.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

DATED this 23rd day of August, 2005.

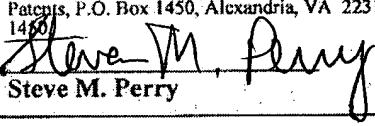
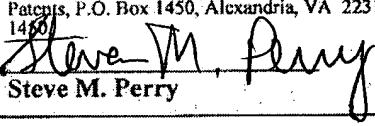
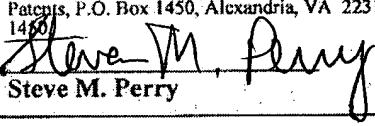
Steve M. Perry
Steve M. Perry

Exhibit 5 Declaration of John Moran



PATENT APPLICATION
ATTORNEY DOCKET NO. 10011167-1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<p>ART UNIT: 2876 EXAMINER: Jamara A. Franklin APPLICANT: Allen K. Yu SERIAL NO.: 09/975,623 FILED: October 10, 2001 CONFIRM. NO.: 8371 FOR: ELECTRONIC TICKETING SYSTEM AND METHOD DOCKET NO. 10011167-1</p>	<p>RESPONSE/AMENDMENT</p> <table border="1"><tr><td colspan="2"><p><u>CERTIFICATE OF MAILING</u> <u>UNDER 37 C.F.R. § 1.13</u></p></td></tr><tr><td colspan="2"><p>DATE OF DEPOSIT: <u>8/12/05</u></p></td></tr><tr><td colspan="2"><p>I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p></td></tr><tr><td colspan="2"> Steve M. Perry</td></tr></table>	<p><u>CERTIFICATE OF MAILING</u> <u>UNDER 37 C.F.R. § 1.13</u></p>		<p>DATE OF DEPOSIT: <u>8/12/05</u></p>		<p>I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p>		 Steve M. Perry	
<p><u>CERTIFICATE OF MAILING</u> <u>UNDER 37 C.F.R. § 1.13</u></p>									
<p>DATE OF DEPOSIT: <u>8/12/05</u></p>									
<p>I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p>									
 Steve M. Perry									

DECLARATION OF JOHN C. MORAN
UNDER 37 C.F.R. § 1.131

Assistant Commissioner of Patent and Trademarks
Washington, D.C. 20231

I, JOHN C. MORAN, declare as follows:

1. I am a registered patent attorney employed by Hewlett Packard.
2. Hewlett Packard received the invention disclosure of Exhibit 2 for the above-captioned patent application prior to November 20, 2000, the earliest effective date of the Gobburu '322 Patent.
2. Hewlett Packard contracted with the law firm of Thorpe North and Western for the preparation and filing of the above-captioned patent application by May 12, 2001.

3. Exhibit 3, attached hereto, is a redacted copy of a Request for Quote document signed by Vaughn North of Thorpe North and Western and Hewlett Packard by May 12, 2001.

4. Employees of Hewlett Packard worked diligently from a date prior to November 20, 2001, the earliest effective date of the Gobburu '322 patent, until May 12, 2001 to contract with a law firm for the preparation of the invention disclosure into the above-captioned patent application, as evidenced by Exhibit 6, a letter dated April 19, 2001, asking the law firm of Thorpe North and Western to provide the Request for Quote document of Exhibit 3 for the preparation of the above-captioned patent application.

5. Contracting with a law firm for the preparation of the above-captioned patent application coincided with work performed on a reasonable backlog of unrelated cases which were taken up in chronological order, with the work carried out expeditiously.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

DATED this 23 day of August, 2005.


John C. Moran

Exhibit 6 Letter from Hewlett Packard to Thorpe North and Western



Hewlett-Packard Company
Legal Department MS 79
3404 E Harmony Rd
Ft. Collins, CO 80528

www.hp.com

RECEIVED

AUG 23 2005

T. Grant Ritz
IP ATTORNEY

970 898 0697 Tel
970 898 7247 Fax
grant_ritz@hp.com

April 19, 2001

Vaughn W. North
Thorpe, North & Western L.L.P.
8180 South 700 East, Suite 200
Sandy, Utah 84070-0562

Thorpe, North & Western

RE: Preparation of Patent Application
Pursuant to Outside Counsel Procedures Dated October 15, 1999
HP Reference No.: 10011167.
Entitled: J-Ticket
HP Required Date: 7/19/01

Dear Vaughn:

We would like you to provide a quote of the cost for your firm to prepare a US Patent application based on the HP Invention Disclosure identified above, a copy of which is enclosed.

Your quote should be based on preparing an application including the items noted on the enclosed Outside Counsel Checklist and according to HP's Outside Counsel Procedures referenced above, for filing by our Required Date.

Your quote should be submitted on the enclosed Request for Quote and Engagement Letter Agreement. If your quote is accepted, we will return a fully executed copy of the Agreement to you for your records. **The Agreement will not be binding on you or on HP until signed by HP's authorized representative.**

If the Agreement is not signed and returned to HP, any bills submitted by you cannot be paid.

Thank you for your assistance in reviewing this invention disclosure. If your review indicates a possible conflict for your firm, you should advise us within one week of receipt of this letter.

Sincerely,

T. Grant Ritz / lls

T. Grant Ritz

Enc.: HP Invention Disclosure
RFQ
Outside Counsel Checklist
Supplemental Procedures

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